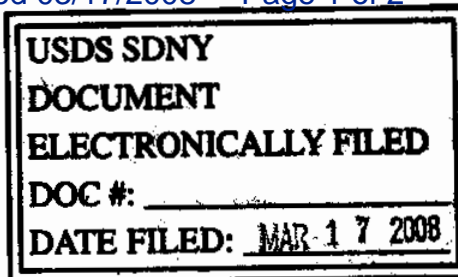


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

Sint, LLC, and Sleepy's, LLC, :

Plaintiffs, :

-against- :

Sleepy Bedding & Furniture Corp., :

Defendant. :

-----X

08 Civ. 1841 (PAC)

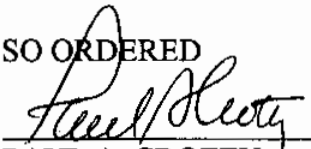
ORDER

HONORABLE PAUL A. CROTTY, United States District Judge:

On March 8, 2008, Mr. Basem Jad filed a pro se motion to dismiss this action on behalf of Defendant Sleepy Bedding & Furniture Corporation. Pursuant to both New York State law and Second Circuit precedent, however, a corporation must appear in court by an attorney. N.Y. CPLR § 321 ("a corporation . . . shall appear by attorney"); see also, Lattanzio v. COMTA et al., 481 F.3d 137, 139 (2d Cir. 2007) ("a layperson may not represent a separate legal entity such as a corporation."); Eagle Assocs. v. Bank of Montreal, 926 F.2d 1305, 1309 (2d Cir. 1991) ("the only proper representative of a corporation . . . is a licensed attorney, not an unlicensed layman regardless of how close his association with the . . . corporation.") (citation and quotation marks omitted.) In this case, since Mr. Jad is apparently not an attorney, the Court will not consider the motion he has made on behalf of the corporate Defendant. Defendant should retain counsel, and counsel should file an appearance within 30 days. Failure to retain counsel and appear in a timely manner may result in a default judgment.

Dated: New York, New York
March 17, 2008

SO ORDERED



 PAUL A. CROTTY
 United States District Judge

Copies to:

Basem Jad
95-03 Roosevelt Ave.
Jackson Heights, NY 11372

Sleepy Furniture & Bedding Corp.
95-03 Roosevelt Ave.
Jackson Heights, NY 11372